

## NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL  
TUESDAY, JANUARY 29, 2008  
COUNCIL CHAMBERS, 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA

### 5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

#### City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - **Conference with Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 2 potential cases**
  - **Conference with Labor Negotiators pursuant to Government Code 54987.6. Negotiator: Erwin Young, Director of Human Resources. Employee Organizations: Sunnyvale Employees Association (SEA), Service Employees International Union (SEIU) Local 715 (part-time employees), and Sunnyvale Management Association (Management employees)**
4. Adjourn Special Meeting

### 7 P.M. REGULAR MEETING

#### SALUTE TO THE FLAG

#### ROLL CALL

*(Per Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain and will be placed at the beginning of the public hearings/general business portion of the ensuing agenda. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.)*

#### PUBLIC ANNOUNCEMENTS

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

#### CONSENT CALENDAR

- |      |        |  |
|------|--------|--|
| 1.A. | MOTION | Approval of Draft Minutes of January 8, 2008                       |
| 1.B. | MOTION | Approval of Draft Minutes of January 15, 2008                      |
| 1.C. | MOTION | Approval of Information/Action Items – Council Directions to Staff |

**Fiscal Items**

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager  
RTC 08-023 – Lists No. 384 & 385

Staff Recommendation: Council reviews the attached list of bills.

Staff Contact: Elaine Wesely, (408) 730-7418

- 1.E. MOTION City of Sunnyvale Investment Report 4<sup>th</sup> Quarter 2007  
RTC 08-018

Staff Recommendation: Council receives and files the investment report.

Staff Contact: Therese Balbo, (408) 730-7604

- 1.F. MOTION Continuation of Supplemental Law Enforcement Funding and  
RTC 08-028 Budget Modification No. 30

Staff Recommendation: Council appropriates the full amount available from Supplemental Law Enforcement Services into the City's Supplemental Law Enforcement Sub-Fund to fully fund one Patrol Team Captain.

Staff Contact: Heather Tannehill, (408) 730-7157

**Contract Items**

- 1.G. MOTION Authorization to Modify an Existing Contract to Install and Maintain  
RTC 08-031 Home Access Equipment for Disabled Individuals through the  
Home Access Program (F0712-57)

Staff Recommendation: Council modifies an existing contract with Access Options Incorporated in substantially the same form as the attached draft Service Agreement Amendment which increases the total contract amount from \$70,000 to \$145,000 and extends the contract by seven months through June 20, 2008.

Staff Contact: Elaine Wesely, (408) 730-7418

- 1.H. MOTION Award of Contract to Provide Music Appreciation Instruction for the  
RTC 08-017 City's Recreation Program (F0701-61)

Staff Recommendation:

- Council awards a two-year contract to Music For Families Incorporated, in substantially the same form as the attached draft and in an amount not to exceed \$75,000 per year, to provide music instruction for the City's Recreation Program; and
- Council delegates authority to the City Manager to exercise an option to extend the contract for one additional year, provided that pricing and service remain acceptable to the City.

Staff Contact: Elaine Wesely, (408) 730-7418

- 1.I. MOTION Award of Contracts for Operational Efficiency and Optimum Staffing  
RTC 08-032 Studies for the Department of Finance and the Department of Parks  
and Recreation Facilities Services Division (F0708-25 and F0708-  
26) and Approval of Budget Modification No. 29

Staff Recommendation:

- Council awards a contract to Matrix Consulting Group, in substantially the same form as the attached draft and in an amount not to exceed \$80,000, to conduct an operational efficiency and optimum staffing study of the Department of Finance;
- Council awards a contract to Management Partners Incorporated, in substantially the same form as the attached draft and in an amount not to exceed \$43,900, to conduct an operational efficiency and optimum staffing study of the Department of Parks and Recreation Facility Services Division; and
- Council approves Budget Modification No. 29 which reduces \$76,100 from Project 826650 and \$40,000 from Project 826660 and appropriates \$116,100 into a new special project to be used for future efficiency and staffing studies.

Staff Contact: Elaine Wesely, (408) 730-7418

- 1.J. MOTION Award of Bid No. F0711-51 for Replacement/Rehabilitation of  
RTC 08-025 Sewer Pipes Along a Portion of Olive Avenue

Staff Recommendation:

- Council awards a contract, in substantially the same form as the attached draft and in an amount of \$74,000, to K.J. Woods Construction Incorporated, for replacement/rehabilitation of sewer pipes along a portion of Olive Avenue; and
- Council approves a project contingency in the amount of \$11,100.

Staff Contact: Elaine Wesely, (408) 730-7418

- 1.K. MOTION Award of Contract for Handheld Traffic Citation Writers with  
RTC 08-024 Associated Software (F0712-59)

Staff Recommendation: Council awards a contract to Berendo Solutions Incorporated, in substantially the same form as the attached purchase order and in an amount not to exceed \$62,443, for six handheld traffic citation writers and associated software, one year of technical support, shipping and sales tax.

Staff Contact: Elaine Wesely, (408) 730-7418

**Other Items**

- 1.L. MOTION Issuance of Subpoena for FBI Evidence Related to Termination of  
RTC 08-014 Former Public Safety Officer Randall Gilbert

Staff Recommendation: Council issues the subpoena.

Staff Contact: David Kahn, (408) 730-7464

- 1.M. MOTION Ratification of City Council Intergovernmental Assignments Made  
RTC 08-019 by Outside Agencies

Staff Recommendation: Council ratifies intergovernmental Council assignments appointed by outside agencies.

Staff Contact: Yvette Agredano, (408) 730-7536

**STAFF RESPONSES TO  
PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.*

**PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

**PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2.       ORDINANCE       2007-1048 – Fairorchard Architectural Committee [Applicant]  
          MOTION           Callahan William C and Gretchen Trustee [Owner]: Application for  
          RTC 08–030       54 parcels in Tract 1910 located between Helena Drive, Homestead  
                              Road, Wright Avenue and Cupertino Middle School in an R-1 (Low-  
                              Density Residential/Single Story) Zoning District. Application to  
                              allow permanent status for a Single-Story Combining District.

Staff Recommendation: Council approves permanent Single-Story status.

Staff Contact: Gerri Caruso, (408) 730-7591

3.       ORDINANCE       2007-1106 Nathan Merlin [Applicant] Two Corners LLC [Owner]:  
          MOTION           Application for related proposals located at 1202-1205 Cortez Drive  
          RTC 08–035       and 189-191 South Bernardo Avenue in an R-3 (Medium-Density  
                              Residential) Zoning District. (Negative Declaration);
- Rezone from R-3 (Medium-Density Residential) to R-3/PD (Medium-Density Residential/Planned Development) Zoning District,
  - Special Development Permit to allow the construction of eight townhouses,
  - Tentative Map to subdivide two lots into eight lots and one common lot, and
  - Variance from Sunnyvale Municipal Code Section 19.38.030 to allow individual solid waste and recycling carts instead of a centralized waste enclosure.

Staff Recommendation:

- Council approves the adoption of the Negative Declaration;
- Council introduces an Ordinance to Rezone;
- Council approves the Special Development Permit and Tentative Map with attached conditions; and
- Council denies the Variance for individual trash and recycling carts.

Staff Contact: Ryan Kuchenig, (408) 730-7431

4. ORDINANCE MOTION RTC 08–036 2007-1107 – Timothy Proschold [Applicant] Two Corners LLC [Owner]: Application for related proposals located at 185 South Bernardo Avenue (at Cortez Dr.) in an R-3 (Medium-Density Residential) Zoning District. (Negative Declaration);
- Rezone from R-3 (Medium-Density Residential) to R-3/PD (Medium-Density Residential/Planned Development) Zoning District,
  - Special Development Permit to allow the construction of eight town homes,
  - Tentative Map to subdivide one lot into eight lots and one common lot, and
  - Variance from Sunnyvale Municipal Code Section 19.38.030 to allow individual solid waste and recycling carts instead of a centralized waste enclosure.

Staff Recommendation:

- Council approves the adoption of the Negative Declaration;
- Council introduces an Ordinance to Rezone;
- Council approves the Special Development Permit and Tentative Map with attached conditions; and
- Council denies the Variance for individual trash and recycling carts.

Staff Contact: Ryan Kuchenig, (408) 730-7431

5. MOTION RTC 08–034 2007-0065 – Applicant appeal of a decision of the Planning Commission to deny an application for a Design Review to allow a new two-story single family residence for a total of 3,448 square feet and 62.9% FAR (Floor Area Ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at 688 Conway Road (near Hollenbeck Avenue) in an R-2 (low-medium density residential) zoning district. (APN: 202-06-017)

Staff Recommendation: No action required. Application withdrawn.

Staff Contact: Noren Caliva, (408) 730-7637

6. MOTION RTC 08–026 Board and Commission Policy Limiting Speech on Official City Positions and First Amendment Analysis; Discussion of City Attorney Memorandum of November 27, 2007

Staff Recommendation: Council continues current City board and commission policy without modification.

Staff Contact: David Kahn, (408) 730-7464

7. MOTION RTC 08–022 Acceptance of Annual Status Report on Receipt and Use of Development Impact Fees

Staff Recommendation: Council accepts the annual status report on the receipt and use of development impact fees for the fiscal year ending June 30, 2007.

Staff Contact: Peter Gonda, (408) 730-7385

8. MOTION Positions on State and Local Ballot Measures for the February 2008  
RTC 08-029 Election

Staff Recommendation:

- Council adopts the following positions on the ballot measures:  
*State Ballot Measures:*
    - **Proposition 91: No Recommended Position**  
Transportation Funds. Initiative Constitutional Amendment
    - **Proposition 92: No Recommended Position, not City Business**  
Community Colleges. Funding. Governance. Fees. Initiative Constitutional Amendment and Statute
    - **Proposition 93: No Recommended Position, not City Business**  
Limits on Legislators' Terms in Office. Initiative Constitutional Amendment
    - **Proposition 94: No Recommended Position, not City Business**  
Referendum on Amendment to Indian Gaming Compact
    - **Proposition 95: No Recommended Position, not City Business**  
Referendum on Amendment to Indian Gaming Compact
    - **Proposition 96: No Recommended Position, not City Business**  
Referendum on Amendment to Indian Gaming Compact
    - **Proposition 97: No Recommended Position, not City Business**  
Referendum on Amendment to Indian Gaming Compact
  - Council permanently adopts the ballot measure pilot review process
- Staff Contact: Yvette Agredano, (408) 730-7536

**NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

**INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 08-033 Opportunity for Council to Appeal Decisions of the Planning Commission Meeting of January 14, 2008 and the Administrative Hearing of January 16, 2008
- RTC 08-027 Boards and Commissions Quarterly Attendance (Fall 2007) Information Only
- Draft Minutes of the Arts Commission Meeting of October 17, 2007
- Draft Minutes of the Housing and Human Services Commission Meeting of December 19, 2007
- Draft Minutes of the Board of Library Trustees Meeting of January 7, 2008
- Draft Minutes of the Heritage Preservation Commission Meeting of January 9, 2008
- RTC 08-016 Informational Report – Vacancy and Rent Survey

**ADJOURNMENT**

**Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

**SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
January 29, 2008	Council Meeting	7 p.m.	Council Chambers
February 12, 2008	Council Meeting	7 p.m.	Council Chambers
February 26, 2008	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

January 30, 2008	Administrative Hearing	2 p.m.	West Conf. Room
February 4, 2008	Board of Library Trustees	7 p.m.	Council Chambers
February 6, 2008	Heritage Preservation Commission	7 p.m.	West Conf. Room
February 11, 2008	Personnel Board	5 p.m.	Council Chambers
February 11, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
February 11, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
February 13, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
February 13, 2008	Administrative Hearing	2 p.m.	West Conf. Room
February 20, 2008	Arts Commission	7 p.m.	Council Chambers
February 25, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
February 25, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
February 27, 2008	Administrative Hearing	2 p.m.	West Conf. Room
February 27, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
March 10, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
March 10, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
March 12, 2008	Administrative Hearing	2 p.m.	West Conf. Room
March 12, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
March 19, 2008	Arts Commission	7 p.m.	Council Chambers
April 9, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
April 16, 2008	Arts Commission	7 p.m.	Council Chambers
May 14, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers

**CHANNEL 15 – KSUN**

January 29, 2008	City Council Meeting – Live	7 p.m.
January 30, 2008	Special City Council Meeting – Replay of January 25, 2008	8:30 a.m.
January 30, 2008	City Council Meeting – Replay of January 29, 2008	7 p.m.
January 31, 2008	Special City Council Meeting – Replay of January 25, 2008	8:30 a.m.
February 3, 2008	City Council Meeting – Replay of January 29, 2008	4 p.m.
February 12, 2008	City Council Meeting – Live	7 p.m.
February 13, 2008	City Council Meeting – Replay of February 12, 2008	7 p.m.
February 17, 2008	City Council Meeting – Replay of February 12, 2008	4 p.m.
February 26, 2008	City Council Meeting – Live	7 p.m.
February 27, 2008	City Council Meeting – Replay of February 26, 2008	7 p.m.
March 2, 2008	City Council Meeting – Replay of February 26, 2008	4 p.m.